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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 LESLIE JAMES JONES,

12 Plaintiff,

Case No. 2:04-cv-01933 (ALA) (P)

13 vs.

14 LIEUTENANT E. SANDY, et al.,

15 Defendants.

**ORDER**

16 \_\_\_\_\_/  
17 Plaintiff Leslie James Jones (“Jones”) is a state prisoner proceeding pro se in the instant  
18 action. He seeks relief pursuant to 42 U.S.C. § 1983. This matter is scheduled for a jury trial  
19 that will commence on December 9, 2008. (Doc. 107).

20 Prior to the jury trial, this Court will hold a hearing to determine whether Jones will  
21 appear at trial in restraints, and if so, to what extent. *See Lemons v. Skidmore*, 985 F.2d 354, 358  
22 (7th Cir. 1993) (holding that a judge should give individual consideration to whether a civil  
23 litigant, who is a prisoner, must appear at trial in restraints). As such, this Court orders  
24 Transportation Sergeant Benjamin Bulda to be present at trial to present evidence to support the  
25 Department of Corrections and Rehabilitation’s recommendation that Jones be restrained at trial.  
26 *See id.* (finding that a judge may consider recommendations made by the Department of

1 Corrections regarding the issue of shackling as evidence, but the ultimate determination resides  
2 with the court and may not be delegated to another party).

3 Accordingly, **IT IS HEREBY ORDERED** that :

4 1. The Clerk of Court issue the attached subpoena to require Sergeant Benjamin Bulda's  
5 appearance before this Court on December 9, 2008, at the United States District Court for  
6 the Eastern District of California, 501 "I" Street, Sacramento, California in courtroom 3  
7 on the 15<sup>th</sup> floor;

8 2. The Clerk of Court forward the issued subpoena and this order to the United States  
9 Marshal;

10 3. The United States Marshal personally serve Sergeant Benjamin Bulda or his  
11 designated agent for service of process on or before December 8, 2008; and

12 4. The Clerk of Court fax a courtesy copy of the subpoena to Sergeant Benjamin Bulda  
13 at 707-454-3220 and Lieutenant Robert Knudsen<sup>1</sup> at 707-454-3201.

14 DATED: December 5, 2008

15 /s/ Arthur L. Alarcón  
16 UNITED STATES CIRCUIT JUDGE  
17 Sitting by Designation  
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25 <sup>1</sup> Lieutenant Robert Knudsen is scheduled to be the Watch Commander on Tuesday,  
26 December 9, 2008.